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Serial No. 09/998,631

- REMARKS -

In complete response to the Requirement for Restriction mailed June 30, 2004, Applicants provisionally elect, albeit with traverse, to prosecute the claims of Group I, namely Claims 1-26.

Reconsideration of the Restriction Requirement is respectfully requested. The claims of Group I are drawn to a method of producing a recombinant peptide using an expression vector. As the Examiner will note, claim 27 has been amended to define the expression vector as being the one defined in claim 1.

Therefore, it is respectfully submitted that these two groups (Groups I and II) are closely connected together and that the search and examination of claims 1-27 of the application can be made without serious burden on the Examiner.

Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP w 806.04 - w 806.04(j)) or distinct (MPEP w 806.05 - w 806.05(i)).

It is believed that these two groups would not support separate patents, as Group II, i.e. the expression vector has now been defined as being the one defined in claim 1, by specific dependence on said claim.

According to the MPEP, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

(1) The inventions must be independent (see MPEP # 802.01, # 806.04, # 808.01) or distinct as claimed (see MPEP w 806.05 - w 806.05(i)); and

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(2) There must be a serious burden on the Examiner if restriction is not required (see MPEP w 803.02 # 806.04(a)-(j), # 808.01(a) and # 808.02).

It is believed that the inventions as defined in claims 1 to 27 are not independent in view of the amendment to claim 27, and would not cause a serious burden on the Examiner. Thus, restriction should not be required in view of *In re Lee* (199 USPQ 108 (Deputy Asst. Comm'r. for Pats 1978)). Therefore, the requirements of M.P.E.P. §803 are not met.

Withdrawal of the Restriction Requirement and examination of claims 1 to 27 on the merits are therefore respectfully requested.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby give to charge Deposit Account No. 19-5113 for any underpayment or to credit any overpayment.

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Respectfully submitted,

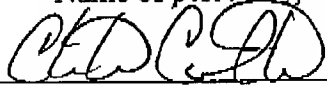
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Enclosures

**CERTIFICATE OF FACSIMILE TRANSMISSION**I hereby certify that this paper is being facsimile transmitted to the  
Patent and Trademark Office on the date shown below.Christian Cawthorn

Name of person signing certification



Signature

July 30, 2004

Date